



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 9, 2005

REPORT NO. HO-05-037

ATTENTION: Hearing Officer

SUBJECT: 4536 NORTH AVENUE MAP WAIVER
PROJECT NO. 48790

LOCATION: 4536 North Avenue

APPLICANT: Park Place North Avenue, a California Corporation

SUMMARY

Requested Action - Should the Hearing Officer approve a request to waive the requirements for a Tentative Map to create 3 residential condominium units (under construction) and a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation - APPROVE Map Waiver No. 139325, including the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – The Uptown Planners considered the project on February 1, 2005, and voted 14-0-1 to recommend approval of the project with the conditions, which are discussed in the report (Attachment 9).

Environmental Review - The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301 (k), Existing Facilities.

BACKGROUND

The 0.16-acre project site is located at 4536 North Avenue in the MR-1500 Zone of the Mid-City Communities Planned District, within the Uptown Community Plan (Attachment 2). The Community Plan designates the site for residential development at a density of 15-29 dwelling units per acre. Residential development surrounds the subject property.

The project site is located in the MR-1500 Zone of the Mid-City Communities Planned District established in November 1989. Prior to the current zone, the site was in the R-3 (R-1000) Zone. A single family unit and the three-story duplex townhouse are currently under construction via Combination Building Permit Nos. 63426 and 63429 (Project No. 25432), issued June 18, 2004. The project complies with current density and other development regulations of the Land Development Code.

DISCUSSION

Project Description

The project is requesting a Map Waiver to waive the requirements of a tentative map for the subdivision of a 0.145-acre site into one lot for a 3-unit residential condominium development. Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map be processed for the subdivision of land. The Tentative Map request is a Process Three Hearing Officer decision as outlined in San Diego Municipal Code Section 125.0430 (Decision Process for a Tentative Map). According to San Diego Municipal Code Section 125.0440, Findings for Tentative Maps, the decisionmaker may approve a Tentative Map if the decisionmaker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. According to San Diego Municipal Code Section 144.0444, Findings for Tentative Maps for Condominium Conversion, the decisionmaker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decisionmaker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code.

The Subdivision Map Act and the Land Development Code provide a process to waive the requirement for a Parcel Map and the associated Tentative Map for construction of a condominium on a single parcel. The waiver process provides a process for the construction of a condominium on a single parcel where the site was previously developed and no additional infrastructure is required. Since the subject project meets these requirements and includes three residential units under construction on a single parcel, the project is eligible for a Process Three Map Waiver.

Underground Utility Waiver

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver of the requirements to relocate the existing overhead utilities to an underground position within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25 (Underground Conversion of Utility Lines at the Developers Expense) in that the conversion involves a short span of overhead facility (less than 600 feet in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4 of the draft resolution.

The neighborhood currently contains power poles and overhead utility lines within the alley adjacent to the site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3W, and is proposed to be undergrounded in Fiscal Year 2010 (Attachment 7).

Community Planning Group Recommendation

The Uptown Planners recommended approval of the proposed project by a vote of 14-0-1 at their February 1, 2005, meeting, with several recommendations (Attachment 6). Recommendation conditions include: replacement of the alley; closure of the driveway from North Avenue; a comment regarding the request to waive the undergrounding of the existing utilities; repair or replacement of sidewalks as needed and preservation of historic markers; replacement of curb and gutter; maximization of parking; provide additional landscaping; place utilities outside the public right-of-way; and the provision of a screened trash enclosure area. As indicated above, the project is under construction and the construction permit has been issued in accordance with the current development regulations. Therefore, the project conforms with applicable regulations referenced in the above recommended conditions. Based on the preceding information, staff continues to support the undergrounding waiver request.

Other Project Issues

The project proposes to create three condominium units from three units under construction. All residential projects Deemed Complete on or after February 7, 2004, must conform with the new regulations regarding inclusionary housing adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on October 19, 2004, and is therefore subject to these new regulations. The applicant has already paid the affordable housing in-lieu fee with the issuance of the construction permits for the development pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

CONCLUSION

Staff has reviewed the application for the map waiver and the request to waive the requirement to underground the existing utility lines. Staff has determined that the proposed project complies with the applicable sections of the Municipal Code. Staff believes the required findings can be made to support the project (Attachment 5). The proposed project was reviewed and exempted from the California Environmental Quality Act and as an existing facility the project is Categorically Exempt from further environmental review. Therefore, staff recommends that the Hearing Officer approve the map waiver and waive the requirement to underground the overhead utilities.

ALTERNATIVES

1. Approve Map Waiver No. 139325, with modifications.
2. Deny Map Waiver No. 139325, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Michelle Sokolowski, Development Project Manager

Attachments:

1. Community Plan Land Use Map
2. Project Location Map
3. Project Data Sheet
4. Map Waiver Exhibit
5. Draft Map Resolution with Findings and Conditions
6. Community Planning Group Recommendation
7. Undergrounding Master Plan – Block 3W

Job Order Number: 42-3320